REMARKS/ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 44-58 are cancelled.

35 U.S.C. § 102 (e) Rejections

Examiner rejected claims 1 – 44, 47 – 49, 52 – 54 and 58 under 35 U.S.C. § 102(e) as being anticipated by Kim et al., U.S. Patent No. 5,701,440 (hereinafter "Kim").

> "To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Manual of Patent Examining Procedures (MPEP) ¶ 2131.)

Claim 1 includes a limitation of when a recipient's email gateway receives an email message from a network, the email message is transmitted to a group of email-scanning servers over the network to generate a clean email message. Kim does not disclose the cited limitation, and therefore does not anticipate claim 1.

Specifically, Kim discloses a system for a remote application service offering virus scanning of e-mail messages *prior* to the e-mail messages arriving at the destination server or system (Col. 5, lines 6-10). The messages sent to an e-mail address using the system 100 disclosed by Kim are first sent to the server 104 (Col. 5, lines 13-25). The messages are not sent to the user destination system or server 122 until they have been virus-scanned by the server 104 (See Fig. 2 and Col. 5, lines 28-45). Therefore, the user

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destination system or server 122 does not receive the e-mail messages before they are forwarded to the server 104. As a result, Kim does not disclose the limitation of when a recipient's email gateway receives an email message from a network, the email message is transmitted to a group of email-scanning servers over the network, since according to Kim, the incoming messages are automatically transmitted to the server 104, and are not first transmitted to the user destination system or server 122. Claim 1 is therefore not anticipated by Kim.

Claims 12 and 20 include the limitations of receiving incoming email messages from a network and transmitting the incoming email messages over the network to a group of email scanning servers. As mentioned above, Kim discloses a system that originally transmits e-mail messages to a server 104, where virus scanning is performed. As a result, Kim does not disclose the cited limitation, and claims 12 and 20 are not anticipated by Kim.

Claim 28 includes a limitation of when the recipient's email gateway retrieves the email messages from the service provider's email server, the email messages are transmitted to the group of email-scanning servers over the network to generate clean email messages. As mentioned above, Kim discloses a system that automatically transmits incoming e-mail messages to the server 104, where virus scanning is performed. As a result, claim 28 is also not anticipated by Kim.

· Claim 38 includes the limitations of retrieving incoming email messages from a service provider's email server at predetermined time intervals and transmitting the incoming email messages to a group of email scanning servers over the network. As mentioned above, Kim discloses a system that automatically transmits incoming e-mail messages to the server 104, where virus scanning is performed. As a result, claim 38 is also not anticipated by Kim.

Claims 44, 47-49, 52-54 and 58 have been cancelled.

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Furthermore, the remaining claims depend from one of the independent claims discussed above and therefore also include the distinguishing claim limitations. As a result, the remaining claims are also not anticipated by Kim and are patentable.

35 U.S.C. § 103 (a) Rejections

Examiner rejected claims 45, 46, 50, 51, and 55 - 57 under 35 U.S.C. §103(a) as being unpatentable over Kim in view of Cooper, U.S. Published Application No. US2002/0129111 A1 (hereinafter referred to as "Cooper").

Claims 45, 46, 50, 51 and 55-57 have been cancelled.
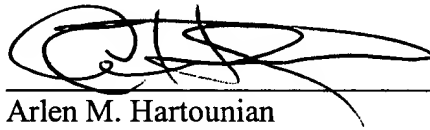
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CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Arlen M. Hartounian at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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